

**IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI
SECOND CIRCUIT COURT DISTRICT OF MISSISSIPPI**

JOHN NELSON

PLAINTIFF

V.

CIVIL ACTION NO.23CIJ :19-cv-00219-LPD

**THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, AND PAT TICE**

DEFENDANTS

CLERK'S CERTIFICATION

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

I, Kendra Necaise, Clerk of the Circuit Court of Hancock County, Mississippi, here certify that the following documents are and constitute a true and correct copy of the proceeding in regard to the above-entitled case.

GIVEN under my hand and official seal of office on this, the 1st day of February, 2020.

Kendra Necaise, Circuit Clerk
Hancock County, Mississippi

By: _____

Deputy Clerk



Mississippi Electronic Courts
Second Circuit Court District of Mississippi (Hancock Circuit Court)
CIVIL DOCKET FOR CASE #: 23CI1:19-cv-00219
Internal Use Only
Edit Case Data
Edit Case Participants

NELSON v. THE CITY OF BAY ST. LOUIS et al
Assigned to: Judge Lisa P. Dodson

Date Filed: 09/17/2019
Current Days Pending: 149
Total Case Age: 149
Jury Demand: None
Nature of Suit: 45 Breach of Contract

Upcoming Settings:

None Found

Plaintiff

JOHN NELSON

represented by **Russell S Gill**
Russell S. Gill PLLC
638 Howard Avenue
BILOXI, MS 39530
228-432-0007
Fax: 228-432-0025
Email: rsgill@rsgill-lawfirm.com
ATTORNEY TO BE NOTICED

V.

Defendant

THE CITY OF BAY ST. LOUIS

Defendant

LES FILLINGAME

Defendant











MIKE FAVRE










































Defendant

GARY PONTHEUX

Defendant

PAT TICE

Date Filed	#	Docket Text
09/17/2019	    <u>1</u> 	Civil Cover Sheet. (Burlette, Hali) (Entered: 09/17/2019)
09/17/2019	    <u>2</u> 	COMPLAINT against MIKE FAVRE, LES FILLINGAME, GARY PONTHEUX, THE CITY OF BAY ST. LOUIS, PAT TICE, filed by

		JOHN NELSON. (Burlette, Hali) (Additional attachment(s) added on 9/17/2019: # <u>1</u> RECEIPT) (Burlette, Hali). (Entered: 09/17/2019)
09/17/2019	    <u>3</u> 	SUMMONS Issued to ATTORNEY FOR PROCESS ON CITY OF BAY ST. LOUIS (Burlette, Hali) (Entered: 09/17/2019)
09/17/2019	    <u>4</u> 	SUMMONS Issued to ATTORNEY FOR PROCESS ON LES FILLINGAME (Burlette, Hali) (Entered: 09/17/2019)
09/17/2019	    <u>5</u> 	SUMMONS Issued to ATTORNEY FOR PROCESS ON MIKE FAVRE. (Burlette, Hali) Modified on 9/17/2019 (Burlette, Hali). (Entered: 09/17/2019)
09/17/2019	    <u>6</u> 	SUMMONS Issued to ATTORNEY FOR PROCESS ON GARY PONTHEUX. (Burlette, Hali) (Entered: 09/17/2019)
09/17/2019	    <u>7</u> 	SUMMONS Issued to ATTORNEY FOR PROCESS ON PAT TICE (Burlette, Hali) (Entered: 09/17/2019)
01/10/2020	     <u>8</u> 	MOTION for Extension of Time to Serve Defendant by Plaintiff JOHN NELSON, Defendants MIKE FAVRE, LES FILLINGAME, GARY PONTHEUX, THE CITY OF BAY ST. LOUIS, PAT TICE (Gill, Russell) (Entered: 01/10/2020)
01/16/2020	    <u>9</u> 	ORDER FOR TIME (120 DAYS). Signed by Judge Lisa P. Dodson on 01/15/2020. (Shiyu, Jason) (Entered: 01/16/2020)
02/13/2020	    <u>10</u> 	LETTER FROM ATTORNEY REQUESTING CERTIFIED COPY (Shiyu, Jason) (Entered: 02/13/2020)

Select Event

Account Transaction - Circuit
ADR Documents

Go to Event

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px; display: inline-block;">23</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">1</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">C1</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">2019</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">00219</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> </div>
		County # Judicial Court ID District (CH, CI, CO)			
		<div style="border: 1px solid black; padding: 2px; display: inline-block;">09</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">17</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div>			
		Month Date Year This area to be completed by clerk			
Mississippi Supreme Court Form AOC/01 Administrative Office of Courts (Rev 2009)		Case Number if filed prior to 1/1/94			
In the CIRCUIT		Court of HANCOCK		County —	Judicial District
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual Nelson John Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____					
Address of Plaintiff 21341 Cameron Road, Kiln, MS 39556-6524					
Attorney (Name & Address) Russell S. Gill, PLLC, 638 Howard Avenue, Biloxi, MS 39530 MS Bar No. 4840					
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney					
Signature of Individual Filing: <i>Russell S. Gill</i>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual _____ _____ Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business City of Bay St. Louis _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____					
Attorney (Name & Address) - If Known _____ MS Bar No. _____					
Damages Sought: Compensatory \$ _____ Punitive \$ _____ <input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit.*					
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____	Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest	Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other REPLEVIN Contract <input checked="" type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death		
Case: 23CI1:19-cv-00219 Document # 1 Filed 09/17/2019 Page 1 of 3					

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____
 File Yr _____ Chronological No. _____ Clerk's Local ID _____

Docket No. If Filed
 Prior to 1/1/94 _____

DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: Ponthieux Gary (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

✓ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A Chief of Police, City of Bay St. Louis

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: Tice Pat (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

✓ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A City of Bay St. Louis, Police Department

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: Fillingame Lcs (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

✓ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A Mayor, City of Bay St. Louis

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Docket No. If Filed
Prior to 1/1/94

Defendant # 5 :

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

☒ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A Mayor, City of Bay St. Louis

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant # _____ :

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

 Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney (✓) _____

Defendant # ____:

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) Not an Attorney(✓)

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

FILED

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,

SEP 17 2019

LES FILLINGAME, MIKE FAVRE,

GARY PONTHEUX, and PAT TICE

KAREN LADNER RUHR
CIRCUIT CLERK, HANCOCK CO.
BY [Signature] D.C.

DEFENDANTS

COMPLAINT
(Jury Trial Requested)

COME NOW the Plaintiff, JOHN NELSON, and file this their Complaint, and in support thereof would show as follows:

SUMMARY

1. The City of Bay St. Louis and its Mayor and Police Chief violated the Fair Labor Standards Act ("FLSA") by forcing their police officers to work a substantial amount of overtime without properly paying them overtime compensation, thus depriving them of rightful compensation for their work, which compensation Defendants are legally obligated to pay.

JURISDICTION AND VENUE

2. This court has jurisdiction pursuant to 29 U.S.C. §216.
3. Venue is proper pursuant to, inter alia, Miss. Code Ann. § 11-11-3.

PARTIES

4. John Nelson ("Nelson") worked for the City of Bay St. Louis Police Department as a police officer. Nelson's Consent is attached as Exhibit A.

5. The City of Bay St. Louis, (hereinafter "City" or "PD") is a municipal corporation, and may be served with process of this court upon the Bay St. Louis City Clerk.

6. Les Fillingame ("Fillingame") was the Mayor of the City from 2009 to July, 2017. Upon information and belief, Fillingame possessed control over the City's actual operations in a manner that directly related to Nelson's employment. Fillingame directly affected

employment-related factors such as personnel and compensation. Fillingame may be served with process of this court pursuant to the laws of the state of Mississippi.

7. Mike Favre ("Favre") is the current Mayor of the City. Upon information and belief, Fillingame possessed control over the City's actual operations in a manner that directly related to Nelson's employment. Favre directly affected employment-related factors such as personnel and compensation. Favre may be served with process of this court pursuant to the laws of the state of Mississippi.

8. Gary Ponthieux ("Ponthieux") was the Chief of Police for the City from September 2017 until the date of Nelson's termination. Upon information and belief, Ponthieux possessed control over the City's actual operations in a manner that directly relates to Nelson's employment and that of those similarly situated to Nelson. Ponthieux directly affected employment-related factors such as personnel and compensation. Ponthieux may be served with process of this court pursuant to the laws of the state of Mississippi.

9. Pat Tice ("Tice") was the Payroll Clerk for the City at all times relevant to this litigation. Upon information and belief, Tice possessed control over the City's actual operations in a manner that directly related to Nelson's employment. Tice directly affected employment-related factors such as personnel and compensation. Tice may be served with process of this court pursuant to the laws of the state of Mississippi.

10. Defendants employed Nelson within the meaning of the FLSA.

BACKGROUND

11. Defendants employed Nelson to protect and serve the City as a police officer, and to enforce the laws of the state of Mississippi and perform related law enforcement activities.

12. Defendants paid Nelson by the hour utilizing a pay period of two weeks.

A. Failure to Pay Comp Time

13. Nelson regularly worked in excess of 86 hours per pay period without receiving compensation at 1.5 times his regular rate of pay for hours worked in excess of 86 hours per pay period, as required by 29 U.S.C. § 207(k) and 29 C.F.R. § 553.230. When Nelson was given compensatory time off (“comp time”) in lieu of cash for overtime hours worked each pay period, he was compensated at a rate of only one hour of paid leave for each overtime hour worked, or not at all.

14. Upon information and belief, Nelson was not party to any collective bargaining agreement or memorandum of understanding by which the City was authorized to compensate Nelson for overtime with compensatory time off in lieu of cash payment.

15. The FLSA required Defendants to give comp time at a rate of one and 1.5 hours for each overtime hour worked per pay period, but Defendants failed to do so.

16. By failing to give Nelson comp time at a rate of 1.5 hours of comp time for each overtime hour worked per pay period, Defendants have deprived Nelson of, upon information and belief, 73.5 or more hours of overtime compensation to which he is rightfully entitled.

17. Upon the termination of Nelson’s employment in November 2017, the City was required to pay to Nelson for the aforementioned unused compensatory time, but deliberately failed to do so. 29 U.S.C. § 255(a); *Vidmar v. City of Milwaukee*, Case No. 17-CV-223 (E.D. Wis., 2017).

B. Willful Violations of the FLSA

18. The FLSA and Department of Labor regulations set forth the proper means for calculating and paying compensation to non-exempt employees like Nelson. Defendants knowingly failed to follow these rules when recording Nelson’s overtime and paying him.

19. Upon information and belief, Defendants had a policy and/or practice of not giving their police officers comp time at a rate of one and one-half hours for each overtime hour they worked per pay period.

20. Defendants knew, or have shown reckless disregard for, the requirements of the FLSA with respect to compensation for Nelson.

CAUSES OF ACTION

21. The preceding paragraphs are incorporated by reference.

22. As set forth above, Defendants violated the FLSA with respect to Nelson by failing to pay them overtime compensation for all or some of the hours they worked in excess of 86 hours per two week pay period. 29 U.S.C. § 207(k); 29 C.F.R. § 553.230; Barfield v. Madison County, Mississippi, 984 F.Supp. 491, 498 (1997).

23. Nelson is entitled to recover unpaid wages for overtime compensation for all hours worked in excess of 86 hours per pay period.

24. In addition, Nelson is entitled to liquidated damages in an amount equal to his unpaid wages.

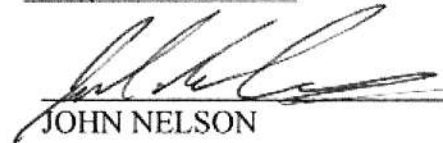
25. In addition, Nelson is entitled to reasonable attorneys' fees and costs. 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Nelson requests that this Court award him judgment against Defendants for:

1. Damages for the full amount of Nelson's unpaid overtime compensation;
2. An amount equal to Nelson's unpaid overtime compensation as liquidated damages;
3. Reasonable attorneys' fees, costs, and expenses of this action;
4. Pre-judgment and post-judgment interest at the highest rate allowed by law; and
5. Such other and further relief as may be allowed by law.

Respectfully submitted, this the 16 day of September, 2019.

By:


JOHN NELSON

Joseph R. Tramuta, MSB No. 105220
Russell S. Gill, MSB No. 4840
RUSSELL S. GILL, P.L.L.C.
638 Howard Avenue
Biloxi, Mississippi 39530
Telephone: (228) 432-0007
Facsimile: (228) 432-0025
rsgill@rsgill-lawfirm.com
jrtrsgill@gmail.com
cmgill37@yahoo.com

NOTICE OF CONSENT

I consent to be a party plaintiff in this action and, if necessary, a subsequent action, to recover any unpaid wages owed to me by:

THE CITY OF BAY ST. LOUIS, and related entities


I consent to join the lawsuit in which this Notice of Consent is filed by Russell S. Gill, P.L.L.C. and /or any of its attorneys (collectively "RSG") and on my behalf (the "Lawsuit").

I performed the duties and was paid in the manner described in the Complaint to which this Notice is attached.

If I am not a named plaintiff in this Lawsuit, then I authorize the named plaintiff(s) and RSG to file and prosecute the Lawsuit on my behalf, and I designate the named plaintiff(s) to make decisions on my behalf concerning the Lawsuit, including negotiating and deciding a resolution of my claims, and I understand that I may be bound by such decisions, subject to Court approval if required.

I agree to be represented by RSG in this Lawsuit. I agree to be bound by the Contract of Representation executed between the named plaintiff(s) in this Lawsuit and RSG, subject to the additional terms stated in this Notice of Consent. I may obtain a copy of the executed Contract(s) of Representation by contacting RSG in writing.

In the event this Lawsuit is not certified or is decertified, I authorize RSG to reuse this Notice of Consent to re-file my claims in separate or related action(s) against the named Defendants in this Lawsuit.


Signature

John Nelson
Full Legal Name (print)

09/09/2019
Date

FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi
Hancock County

JOHN NELSON VS THE CITY OF BAY ST LOUIS

Case # 19-0219 Acct # Paid By CHECK 10219 Rct# 33302

CLERK'S FEES	85.00
JURY TAX	3.00
COURT REPORTERS FEE	10.00
LAW LIBRARY	2.50
COURT ADMINISTRATOR	2.00
STATE CT ED FUND	2.00
COURT CONSTITUENTS	.50
ELECTRONIC COURT	10.00
LEGAL ASSISTANCE	5.00
JUDICIAL FUND-JUDGE RAISE	40.00
ARCHIVE FEE	1.00

Total \$ 161.00

Payment received from RUSSELL S.GILL P.L.L.C
638 HOWARD AVE

BILOXI

MS 39530

Transaction 45339 Received 9/17/2019 at 10:14 Drawer 1 I.D. HAB

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By  D.C. Karen Ladner Ruhr, Circuit Clerk

Case # 19-0219 Acct # Paid By CHECK 10219 Rct# 33302

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

SUMMONS

TO: CITY OF BAY ST. LOUIS
c/o CITY CLERK
688 HWY 90
BAY ST. LOUIS, MS 39520

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the attached pleadings to Russell S. Gill, the attorney for the Plaintiff, whose address is 638 Howard Avenue, Biloxi, Mississippi 39530.

Your response to the Complaint must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a Judgment by Default will be entered against you for the money or other things demanded in the Complaint.


You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 17th day of September, 2019.

(Seal)

By:

KAREN RUHR, Clerk
County Court


Deputy Clerk
P.O. Box 998
Gulfport, MS 39502

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

SUMMONS

TO: LES FILLINGAME
688 HWY 90
BAY ST. LOUIS, MS 39520

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the attached pleadings to Russell S. Gill, the attorney for the Plaintiff, whose address is 638 Howard Avenue, Biloxi, Mississippi 39530.

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 17th day of September, 2019.

(Seal)

By:

KAREN RUHR, Clerk
County Court

Deputy Clerk
P.O. Box 998
Gulfport, MS 39502

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

SUMMONS

TO: MIKE FAVRE
Wherever he may be found

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the attached pleadings to Russell S. Gill, the attorney for the Plaintiff, whose address is 638 Howard Avenue, Biloxi, Mississippi 39530.

Your response to the Complaint must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a Judgment by Default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 17th day of September, 2019.

(Seal)

KAREN RUHR, Clerk
County Court
By: [Signature]
Deputy Clerk
P.O. Box 998
Gulfport, MS 39502

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

SUMMONS

TO: GARY PONTHEUX
Wherever he may be found

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the attached pleadings to Russell S. Gill, the attorney for the Plaintiff, whose address is 638 Howard Avenue, Biloxi, Mississippi 39530.

Your response to the Complaint must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a Judgment by Default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this the 17th day of September, 2019.

(Seal)

By: 


KAREN R. RUHL, Clerk
County Court

Deputy Clerk
P.O. Box 998
Gulfport, MS 39502

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

SUMMONS

TO: PAT TICE
Wherever she may be found

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the attached pleadings to Russell S. Gill, the attorney for the Plaintiff, whose address is 638 Howard Avenue, Biloxi, Mississippi 39530.

Your response to the Complaint must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a Judgment by Default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 14th day of September, 2019.

(Seal)


KAREN RUHR, Clerk
County Court
By: Hal Bee
Deputy Clerk
P.O. Box 998
Gulfport, MS 39502

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFFS

v.

CAUSE NO. 19-0219

THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE

DEFENDANTS

MOTION FOR EXTENSION OF TIME FOR SERVICE OF PROCESS

Comes now the Plaintiff, by and through his attorney of record, and files this his Motion for Extension of Time for Service of Process and would show unto the Court as follows:

1. This action was initially filed on September 17, 2019, by Plaintiff's counsel. Service of process has not been affected on The City of Bay St. Louis, Les Fillingame, Mike Favre, Gary Ponthieux and Pat Tice.

2. After three attempts by a process server, Plaintiff has been unsuccessful in serving The City of Bay St. Louis, Les Fillingame, Mike Favre, Gary Ponthieux and Pat Tice, and the 120-day time period will expire on or about January 15, 2020. Therefore, Plaintiff is requesting an additional 120 days from January 15, 2020, within which to serve The City of Bay St. Louis, Les Fillingame, Mike Favre, Gary Ponthieux and Pat Tice with process in this matter.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Court grant his Motion for Extension of Time for Service of Process up to and including May 14, 2020, so that the Defendants The City of Bay St. Louis, Les Fillingame, Mike Favre, Gary Ponthieux and Pat Tice may be properly served. Plaintiff prays for any further relief to which he may be entitled.

Respectfully submitted, this the 10th day of January, 2020.

JASON EDMONDS

By: /s/ Joseph R. Tramuta
Joseph R. Tramuta, MSB No. 105220
Russell S. Gill, MSB No. 4840
RUSSELL S. GILL P.L.L.C.
638 Howard Avenue
Biloxi, Mississippi 39530
Telephone: (228) 432-0007
Email: rsgill@rsgill-lawfirm.com; jtrtrsgill@gmail.com;
cmgill37@yahoo.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the MEC system, which sent notification of such filing to all counsel of record.

SO CERTIFIED: This the 10th day of January, 2020.

By: /s/ Joseph R. Tramuta
JOSEPH R. TRAMUTA, MSB No. 105220

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

JOHN NELSON

PLAINTIFF

VERSUS

CAUSE NO. A2301-2019-0219

**THE CITY OF BAY ST. LOUIS,
LES FILLINGAME, MIKE FAVRE,
GARY PONTHEUX, and PAT TICE**

DEFENDANTS

ORDER

THIS CAUSE came on to be considered on the Plaintiff's Motion for Extension of Time for Service of Process and the Court having considered same, finds that Plaintiff should be granted additional time to effect service of process on Defendants. It is, therefore,

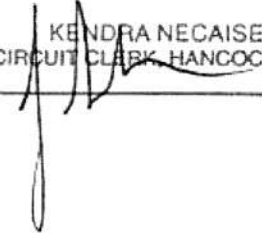
ORDERED that Plaintiff be and is hereby given an additional one hundred and twenty (120) days in which to obtain service of process on the Defendants.

ORDERED this the 15th day of January, 2020.


CIRCUIT COURT JUDGE

FILED

JAN 16 2020


KENDRA NEAISE
CIRCUIT CLERK, HANCOCK CO.
BY _____ D.C.

BUTLER | SNOW

February 11, 2020

Kendra Ncaise
Hancock County Circuit Court Clerk
152 Main Street, Suite B
Bay St. Louis, Mississippi 39520

FILED

FEB 13 2020

KENDRA NECAISE
CIRCUIT CLERK, HANCOCK CO.
BY _____ D.C.

Re: *John Nelson v. The City of Bay St. Louis, Les Fillingame, Mike Favre, Gary Ponthieux, and Pat Tice*
In the Circuit Court of Hancock County, Mississippi, Second Circuit Court District of Mississippi, Civil Action No. 23CI1:19-cv-00219-LPD

Dear Sir/Madam

Our firm represents the defendants, in the referenced matter. We are requesting a certified copy of the complete state court record in this matter. Please find enclosed a check in the amount of \$19.50 and a Clerk's Certificate for your convenience and execution.

Should you have any questions, please feel free to contact me, 601-985-4340 or shae.whitesides@butlersnow.com.

Sincerely,

BUTLER SNOW LLP

Shae Whitesides
Shae Whitesides
Paralegal

SW:

Post Office Box 6010
Ridgeland, MS 39158-6010

SHAE WHITESIDES
Paralegal
(601) 985-4340

Suite 1400
1020 Highland Colony Park
Ridgeland, Mississippi 39157